

Application No. 09/929,032  
Amendment dated August 24, 2005  
Response to Office Action dated March 5, 2005

#### REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Upon entry of this Amendment, Claims 1, 2, 5-8, 11, 15-18, 21-23, 25-27, 30-33, 36-38, 40-42, 45 and 46 will remain pending.

In the Office Action, claims 1-6, 8, 10-13, 16-18, 20-21, 23, 25-27, 29, 31-33, 35, 36, 38, 40-42, 44 and 46 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,434,134 to La Porta et al. Furthermore, claims 7, 9, 14-15, 19, 22, 24, 28, 30, 34, 37, 39, 43 and 45 are rejected under 35 U.S.C. §103(a) as being unpatentable over the La Porta patent in view of U.S. Patent No. 6,535,493 to Lee et al. In this rejection, the Examiner admits that the La Porta patent does not teach the use of an address resolution protocol request. However, the Examiner cites the Lee patent as allegedly teaching this feature, and contends that it would have been obvious to employ this feature in the La Porta system. These rejections are respectfully traversed.

Specifically, as discussed in more detail below, Applicants respectfully submit that as admitted by the Examiner, the La Porta patent fails to teach or suggest the use of an address resolution protocol request to place an IP address of a user terminal in an address resolution protocol cache of an access point with which the user terminal is changing its affiliation. Applicants further respectfully submit that the Lee patent fails to make up for this deficiency.

The details of the claimed embodiments of the present invention and the cited art will now be discussed.

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As discussed briefly above and in more detail throughout the present application, the present invention provides a system, method and computer readable medium of instructions capable of reaffiliating a mobile wireless user terminal from one access point of a network to another. Specifically, an access point with which the user terminal is becoming affiliated is capable of issuing an address resolution protocol request to update the address resolution protocol cache of the access point with which the user terminal was previously affiliated and place the IP address of the user terminal in the address resolution protocol cache of the newly affiliated access point, to therefore inform the remaining access points of the network of this new affiliation. This feature is expressly recited in the independent claim as indicated above. As can be appreciated by one skilled in the art, the use of this address resolution protocol request enables standard Internet protocol request resolution mechanisms to manage routing to the access point, and thus supports all the needed routing uptake function for the access point to enable the user terminal to remain attached to the network.

The La Porta patent teaches a packet-based network that provides, among other things, a technique for handing off a mobile wireless device from one base station to another. As identified by the Examiner, Figure 17 and its related description beginning at column 27, line 45 of the La Porta patent demonstrate a technique in which a mobile device 114 is handed off from an old base station BS9 to a new base station BS11. As described throughout this section, the La Porta patent uses instant path set-up messaging and a specific protocol that requires the use of specialized network devices such as routers R7 and R8 and a domain root router 360. The La

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Porta patent therefore describes the use of a specific messaging protocol to manage routing to a mobile device from a particular base station and thus, requires additional information that cannot be carried by a standard address resolution protocol request, for example.

Evidently, the Examiner recognizes the shortcoming of the La Porta patent in the 35 U.S.C. §103(a) rejection by stating that the La Porta patent does not teach the use of an address resolution protocol request. Nevertheless, for this feature, the Examiner relies on the teachings of the Lee patent, and contends that one skilled in the art would have found it obvious to modify the La Porta patent in accordance with the teachings of the Lee patent to achieve the claimed invention. Applicants respectfully disagree.

In particular, Applicants respectfully submit that as discussed above, the La Porta patent describes a specific technique requiring the use of specialized devices to hand off a mobile device from one base station to another. Applicants therefore respectfully submit that one skilled in the art would not have been motivated to employ a different technique, in particular, an address resolution protocol request, to facilitate such a hand off. Moreover, Applicants respectfully submit that the Lee patent fails to teach or suggest the use of an address resolution protocol request to update the address resolution protocol cache of one access point with which the user terminal was previously affiliated and place the IP address of the user terminal in the address resolution protocol cache of the access point with which the user terminal is becoming affiliated. Specifically, the Lee patent teaches a data communication system having a home network and a remote network, and allows mobile units, such as mobile units 100 and 130, to

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affiliate with access points 102 and 104 of a home network and access points 132 and 134 of a remote network.

As identified by the Examiner, column 11, lines 1-40 of the Lee patent describe the use of an address resolution protocol request to enable an access point of the mobile unit's home network *to act as a proxy when the mobile unit becomes registered on a foreign subnet*. Applicants respectfully submit that this is completely unlike the embodiments of the present invention in which an address resolution protocol request is used to update the address resolution protocol cache of the access point with which the user terminal was previously affiliated and place the IP address of the user terminal in the address resolution protocol cache of the access point with which the user terminal is becoming affiliated. Applicants respectfully submit that in the Lee network, *the access point of the home network maintains the address of the mobile unit so that access point can act as a proxy even when the mobile unit affiliates with a foreign access point*.

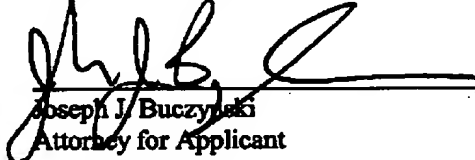
Furthermore, as described, for example, in paragraph 0033 of the present application, the access points (e.g., access points 104, 106 and 108) are within an IP subnet in the *same* broadcast domain. This feature is now defined in amended dependent claims 7, 15, 22, 30, 37 and 45. This is unlike the network taught by the Lee patent, in which the address resolution protocol is used to allow an access point to operate as a proxy of a user terminal when that user terminal moves to another subnet or, in other words, a *different* broadcast domain.

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Accordingly, for all these reasons, Applicant respectfully submits that one skilled in the art would not have found it obvious or possible to modify the system taught by the La Porta patent in accordance with the teachings of the Lee patent to achieve the present invention even as defined in independent claims 1, 11, 17, 26, 32 and 41. Hence, all claims should be allowable.

In view of the above, it is believed that the subject application is in condition for allowance and notice to this effect is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

  
Joseph J. Buczynski  
Attorney for Applicant  
Reg. No. 35,084

Gardner Carton & Douglas LLP  
1301 K. Street, NW, Suite 900  
Washington, DC 20005  
Phone: (202) 230-5114  
Facsimile: (202) 230-5314


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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this AMENDMENT (along with any documents referred to as being attached or enclosed) is being facsimile transmitted to the U.S. Patent & Trademark Office, Attention Examiner: Brenda H. PHAM, Art Unit 2664, Facsimile Number 571-273-8300, on the date shown below:

Dated: August 24, 2005

  
Lois Ann Borlase